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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI D.R. DESHMUKH, J.

Misc. Appeal NO. 1393 OF 2005

APPELLANT APPLICANT		Satish Pachori, aged about 24 years, son of Shri Gopal Pachori, resident of Gram Kherana, Tehsil Raheli, District Sagar (M.P.), presently residing at MIG-1 Avanti Vihar, Housing Board Colony, Raipur (C.G.)
	VERSUS	
RESPONDENTS NON-APPLICANTS Driver of vehicle	1.	Harmel Singh, aged about 33 years, son of Shri Pritam Singh, resident of Sindhia Mandi, P.S. Sindhia Gate, District Ludhiana (Punjab), presently residing at Baglani Colony, Mandir-Hasoud, District Raipur.
Owner of vehicle	2.	Shree Ram Transport Finance Ltd. through Shri Shivaji Prasad Kushwaha, son of Shri Nandlal, resident of Main Road, Mandir- Hasoud, District Raipur.
Insurer	3.	The National Insurance Company Ltd., through the Divisional Manager, Divisional Office, Mobin Mahal, G.E. Road, Raipur

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Present: Ms. Madhu Modi, learned counsel for the appellant.

ORAL ORDER
(Passed on 17th January 2006)

The following oral order of the Court was passed by

D.R. DESHMUKH, J :

In a personal injury case, the only grievance of the appellant in this appeal is that the compensation awarded by the learned MACT is very much on lower side since the claimant had incurred heavy

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expenditure on his medical expenses. However, from the perusal of the impugned award, we find that neither the claimant examined the Doctor who treated him nor proved the bills relating to purchase of medicine for his treatment before the learned MACT. The claimant had suffered a fracture in his right thigh The learned MACT awarded compensation as follows:

a.	For injurury suffered by the claimant	Rs. 12000/-
b.	For pain and suffering	Rs. 5000/-
c.	For medical expenses during treatment	Rs. 7000/- and
d.	For proper food and service of attendant during treatment	Rs. 3000/-
		Total Rs. 27000/-

However, while awarding compensation a totaling mistake has occurred as the claimant was entitled to compensation of Rs. 27,000/- whereas the MACT has ordered the payment of compensation of Rs. 25000/- only. The claimant shall be entitled to compensation of Rs. 27000/-. In the absence of any cogent evidence, particularly, medical evidence, we find that the impugned award passed by the learned MACT does not call for any interference. Accordingly, the appeal is allowed to the extent indicated above. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Sushil
Anjani